

Report Date: January 18, 2007

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAN 22 2007

JAMES R. LARSEN, CLERK

DEPUTY  
RICHLAND, WASHINGTON**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Bucky Gene York

Case Number: 2:03CR02172-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 6/10/2005

Type of Supervision: Supervised Release

Original Offense: Burglary of U.S. Post Office, 18  
U.S.C. § 2115; Theft of Property Used by Postal  
Services, 18 U.S.C. § 1707

Date Supervision Commenced: 10/6/2006

Original Sentence: Prison - 40 Months; TSR - 36  
Months

Date Supervision Expires: 10/5/2009

---

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

22. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
23. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

Mr. York has been struggling with substance abuse issues since commencing his term of supervised release. On October 20, November 1, 8, and 15, 2006, the defendant submitted urine samples which tested positive for methamphetamine. On November 28, 2006, the defendant admitted himself into the Yakima Detox Center, at which time an assessment was completed. Detox personnel related the defendant could remain there until an inpatient treatment date was secured. However, on December 1, 2006, the defendant walked away from the Detox Center. On December 4, 2006, Mr. York was arrested by his state probation officer for violating his conditions of supervision. A Washington State Department of Corrections' violation hearing was held on December 19, 2006, at which time the defendant was found guilty of using illegal substances, and failing to comply with treatment recommendations. Mr. York was sentenced to 100 days confinement and was allowed to participate in the Violator Intensive Relapse Program (VIRP) while confined at the Benton County Jail. On January 4, 2007, he entered the VIRP treatment program, and currently has a tentative discharge date of February 9, 2007. Upon completing his treatment program, Mr. York will be released from custody and continued on state and Federal supervisions.

Prob 12B

**Re: York, Bucky Gene**

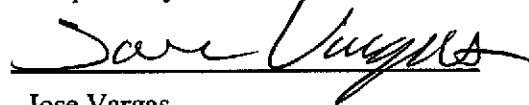
**January 18, 2007**

**Page 2**

In addition, recent Ninth Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modification of his conditions of supervised release.

Respectfully submitted,

by



Jose Vargas


U.S. Probation Officer

Date: January 18, 2007

---

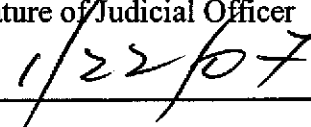
**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

Date



# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

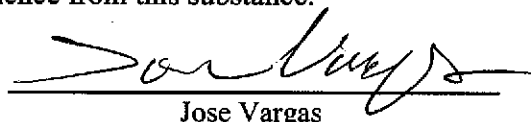
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

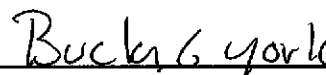
22. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
23. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:



Jose Vargas  
U.S. Probation Officer

Signed:



Bucky Gene York  
Probationer or Supervised Releasee

January 18, 2007

Date